

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, OCTOBER 18, 2012 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Tony Dale
Lowell Moore, Council Place Four
Don Tracy, Council Place Six
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Powell called the meeting to order at 6:30 p.m.
All Council present.
- A.2 Invocation. (5)
Invocation given by Mayor Pro Tem Dale.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of Ken McCracken - Recipient Of The Cedar Park Conserves Landscape Irrigator Award.
Whitney Milberger, Resource Efficiency Specialist, addressed Council regarding the Cedar Park Conserves Landscape Irrigator Award. This award recognizes a landscape management company or individual that demonstrates knowledge of efficient irrigation, water usage, continual maintenance and audits of properties, efficiency in watering schedules, along with plant selections that are native and adaptive to Central Texas. The 2012 recipient is Ken McCracken, a resident and contractor within the City of Cedar Park. Recognition of Mr. McCracken is on behalf of his work with Sunterra Landscape Services.
- A.5 Presentation: A Proclamation Recognizing October 21-27, 2012 As National Friends Of Libraries Week.
Mayor Powell read and presented a Proclamation recognizing National Friends of Libraries Week to representatives from the Cedar Park Public Library and Friends of the Library.

Mike Fogle, Friends of the Library President, presented a check in the amount of \$6000 to Pauline Lam, Library Director.
- A.6 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Michael Vermeeren addressed Council regarding his interest on serving on the Arts Advisory Board. He has submitted his application for consideration.

A.7 Mayor and Council Opening Comments.

Councilmember Mitchell commented on the CAPCOG and Clean Air Coalition Meetings. The Clean Air Coalition is assisting with the CAPCOG Air Quality Program FY13 Work Plan and he would like comments from staff regarding this report.

Councilmember Fuller commented on the Austin Chamber Transportation Summit meeting he attended and the Texas Water Development Board meeting in relation to the BCRUA Phase 2 project.

Councilmember Tracy commented on the recent intercity visit to San Jose with the Greater Austin Chamber. He would like an agenda item to further discuss and review items discussed during the visit that could be used during the Comprehensive Plan update process.

Mayor Pro Tem Dale commented on the CAMPO meeting he attended. State Highway 45 will remain in the CAMPO 2035 Plan for now. The City of Austin would like to revisit removal of the highway in the future. MPT Dale also commented on the recent meeting with Chairman Shaw, TCEQ, and the Salamander Task Force.

Mayor Powell reminded everyone early voting begins on Monday. Mayor Powell also commented on the Austin Chamber Transportation Summit meeting he attended. There was no talk during this meeting in relation to Highway 183. This road is important for Cedar Park and he would like to keep this in the forefront. He commented on the closure of 183 due to large equipment traveling through town. Council had no control or option on this decision. He would like Staff to reach out to the Department of Motor Vehicles or TxDOT in relation to major road closures due to this type of activity.

A.8 City Manager Report: Update On The Cedar Park Library Fable Fest Event On October 27, 2012.

Agenda Item A.8 called after Agenda Item A.5

JW Smith, Cedar Park Library Foundation President, and Lisa Foster, updated Council on the activities planned for Fable Fest,

A.9 City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. Jolen Johnson, Multi-Media Specialist - Five Years Of Service.

Jennie Huerta, Media Relations Manager, presented Jolen Johnson with a plaque in recognition of five years of service with the City of Cedar Park.

A.10 City Manager Report: Update On The Cedar Park Conserves 2012 Program Overview- Whitney Milberger, Resource Efficiency Specialist.

Whitney Milberger, Resource Efficiency Specialist, addressed Council regarding the Cedar Park Conserves Program. The program is divided into six categories that include Water Management & Supply, Solid Waste & Recycling, Energy, Transportation & Mobility, Air, Land Use & Community Planning. Ms. Milberger reviewed the events and activities the City has completed in the past year supporting each category.

- A.11 City Manager Report: Review Of The August Monthly Financial Report - Joseph Gonzales, Finance Director.

Joseph Gonzales, Finance Director, presented Council with the August Monthly Financial Report.

Mayor Powell inquired if a slide could be added to future presentations depicting the total tax bill for residents located in Williamson County and Travis County.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 6:0 with Councilmember Thomas off dais during vote.

- B.1 Approval Of The City Council Minutes From The Special Called Meeting Of September 6, 2012.
Approved under the Consent Agenda.
- B.2 Approval Of The City Council Minutes From The Regular Called Meeting Of September 13, 2012.
Approved under the Consent Agenda.
- B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of August 21, 2012.
Received under the Consent Agenda.
- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of August 28, 2012.
Received under the Consent Agenda.
- C.0 Second Reading Of An Ordinance
No Items For Consideration.
- D.1 A Resolution Adopting The Cedar Park Ten Year Public Arts Master Plan 2012 - 2022.
Approved under the Consent Agenda.

Resolution Number R01.12.10.18.D1

- D.2 A Resolution Approving An Amendment To The Tourism Advisory Board Rules And Procedures To Reflect A Change In The Official Location Of Meetings.
Approved under the Consent Agenda.

Resolution Number R02.12.10.18.D2

- D.3 A Resolution Authorizing A Special Permit For A 5K Run At Brushy Creek Lake Park.
Approved under the Consent Agenda.

Resolution Number R03.12.10.18.D3

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing On An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Code Of Ordinances To Revise The Number Of Positions In The Police Department.

Miguel Ozuna, Human Resources Director, addressed Council regarding the proposed amendment to the Strength of Force Ordinance for the Police Department. The amendment is to decrease the current number of Captains from 2 to 1. The change will allow the new Chief of Police to fully evaluate department operations, structure, and personnel and give him/her time to recommend the appropriate level of personnel and appointment as he/she deems necessary for the effective and efficient operation of the Department. This amendment is also being proposed for compliance with the Texas Civil Service Statute.

Mayor Powell opened the Public Hearing

No Public Comment

Mayor Powell closed the Public Hearing

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution Authorizing And Directing The Mayor To Execute An Amended Interlocal Agreement Between The City Of Cedar Park And Williamson County For The Construction Of Various Roadway Projects.

Sam Roberts, Assistant City Manager, stated the original agreement between Cedar Park and Williamson County was approved in August 2008. The roads included at that time were RM 1431 from 183A to Cottonwood Creek Trail, Brushy Creek Road from Parmer Lane to Arrowhead Trail, and Cottonwood Creek Trail from RM 1431 to New Hope Drive.

Cost savings on the Brushy Creek Road project and the infusion of \$7.06M in American Recovery and Reinvestment Act (ARRA) federal funds for the RM 1431 project has resulted in approximately \$4.8M being available for new transportation projects. City staff and the County have made the necessary revisions to the agreement and are recommending the following additional projects:

1. BMC Drive Extension
2. Cypress Creek Rd & Lakeline Blvd. Intersection
3. US 183 & Cypress Creek Rd Intersection
4. RM 1431 & Ronald Reagan Continuous Flow Intersection
5. CR 272 Overlay
6. Traffic Signal Upgrade at Anderson Mill Rd & Zeppelin Dr.
7. Right Turn Lane at Brushy Creek Rd & Parmer Lane Intersection (EB)
8. Asphalt Overlay of Brushy Creek Rd from Arrowhead Trail to City Limits

General discussion followed:

Mayor Powell commented he would like Project 2 and 3 switched in relation to priority. The intersection of Hwy 183 and Cypress Creek has flow issues.

Councilmember Fuller also agreed with switching Projects 2 and 3. He commented on increasing capacity and the expansion of Little Elm to Lakeline.

Motion to approve the Resolution Authorizing And Directing The Mayor To Execute An Amended Interlocal Agreement Between The City Of Cedar Park And Williamson County For The Construction Of Various Roadway Projects.

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 6:0 with Councilmember Thomas off dais during vote.

Resolution Number R04.12.10.18.F1

F.2 Introduction Of The Project Manager For The Comprehensive Plan And Discussion Of The Comprehensive Planning Process.

Dan Sefko, Freese and Nichols addressed Council regarding the Comprehensive Plan update and planning process. Mike Nichols, Freese and Nichols, was also in attendance at the meeting.

Mr. Sefko reviewed the project goal and the plan components. The next step is to develop the scope of service and contract, project schedule, and create the advisory committee.

Mr. Sefko addressed the Comprehensive Plan Advisory Committee that will be used to assist with the process and update. It is recommended 12-14 people comprised of various areas and interests of the community be appointed to serve. The timeframe for the appointment of the committee is approximately 30-40 days.

Mayor Powell commented the business community should have two business owner/operator representatives on the committee. This could perhaps be one from a small business and one from a large business.

Councilmember Tracy would like to add a representative from the Austin Community College, Cypress Creek Campus.

Councilmember Fuller inquired if the update would be analyzed by City sectors. Different sectors of the City have different needs.

Councilmember Moore commented on the number of people that would serve on the committee and inquired if it would be possible for one person to meet multiple characteristics.

Mayor Pro Tem Dale commented if land owners that might live out of the area should be notified.

Mayor Powell stated this item would be placed on future agendas until the committee is complete.

F.3 Update On Proposed Future Amendments To City Of Cedar Park Code Of Ordinances Relating To Zoning, Subdivisions, Site Development And Sign Regulations.

Rawls Howard, Planning and Development Services Director, addressed Council regarding future amendments to various ordinances. Mr. Howard briefly reviewed the ordinances that Staff will be amending and presenting to Council in the future. The ordinances include:

- (1) Multi-family Design Standards to address the provision of amenities, building orientation, building heights and garage/parking requirements.**
- (2) Entertainment Center Overlay that will address design standards for the area surrounding the Cedar Park Center.**
- (3) Nonconformities/Variances/Permits**
- (4) Conditional Use/Special Use Permits that will allow expansion of economic development opportunities by approving specific uses on a case-by-case basis in zoning districts.**

General Discussion followed:

Mayor Pro Tem Dale inquired about the variance process and where this would go for an appeal.

Councilmember Fuller questioned the conditional use and the aspect of the case-by-case basis.

Mayor Pro Tem Dale inquired about the differences between the conditional uses as opposed to zoning categories.

Councilmember Fuller commented on the ability to appeal by anyone regardless of the distance of the development.

Councilmember Thomas stated flexibility is needed for smaller tracts of land and the ability to work with the development. He asked if the company goes away is the special use or conditional use permit voided.

Mayor Powell commented on sales taxes and the impact of different businesses.

Councilmember Fuller stated the generation of sales tax is a valid concern.

Councilmember Tracy stated he would like to spend more time on the conditional use and special permit chart in order to understand it.

Mayor Powell stated this item could be added to the December Council Retreat.

Mayor Pro Tem Dale commented on the importance of job growth.

- F.4 Consideration Of Appointment To Place Four On The Arts Advisory Board. (Moore)
Agenda Item F.4 called after Agenda Item A.6

Motion to appoint Michael Vermeeren to Place Four on the Arts Advisory Board.

Movant: Councilmember Moore

Second: Councilmember Fuller

Vote: 6:0 with Councilmember Thomas off dais during vote.

- F.5 Consideration Of Appointment To Place One And Place Four On The Parks And Recreation Advisory Board. (Thomas and Moore)
Agenda Item F.5 called after Agenda Item A.8

Corbin Van Arsdale introduced himself to Council and stated he is an applicant for the Parks and Recreation Advisory Board vacancy.

Motion to appoint Corbin Van Arsdale to Place One on the Parks and Recreation Advisory Board.

Movant: Councilmember Thomas

Second: Councilmember Fuller

Vote: 7:0

Motion to reappoint David Powers to Place Four on the Parks and Recreation Advisory Board.

Movant: Councilmember Moore

Second: Councilmember Mitchell

Vote: 7:0

- F.6 Consideration Of Appointment To Place Four On The Planning And Zoning Commission.
(Moore)

Motion to appoint Jon Lux to Place Four on the Planning and Zoning Commission.

Movant: Councilmember Moore

Second: Councilmember Tracy

Vote: 7:0

- F.7 Consideration Of Appointment To Place Six On The Cedar Park Community Development Corporation ("4B") (Tracy)

Motion to appoint Ryan Wood to Place Six on the Cedar Park Community Development Corporation Board.

Movant: Councilmember Tracy

Second: Councilmember Mitchell

Vote: 7:0

- F.8 Consideration Of A Sunset Process For Boards And Commissions (Mayor Powell)
Mayor Powell requested this agenda item. He would like to consider streamlining the board and commission process. The State has a similar process and would be a good practice for the City. The review would include the role and need for the board, expansion of the board or possible combination of certain boards. The goal would be to select a few boards a year and place them on a periodic schedule for review. The Historic Preservation Commission is one board that needs evaluating.

General Discussion followed.

Councilmember Fuller inquired as to which Boards would be under sunset.

Councilmember Thomas commented on combining certain Boards.

Mayor Pro Tem Dale inquired about the number of members to serve on the review committee.

Councilmember Moore commented on the Historic Preservation Commission.

Mayor Powell commented on the Arts Board and their process for giving their own Board direction. The Boards could possibly conduct a self-evaluation and define their roles and present their findings to Council.

Councilmember Mitchell recommended making this part of the joint meeting process and being able to facilitate discussion regarding the Board's role.

Councilmember Thomas commented on the financial authority of certain Boards.

Brenda Eivens, City Manager, stated the review for the Historic Preservation Commission has already been started and Staff will be able to present to Council.

Mayor Powell said he would like staff recommendation on the order of the Boards for review over the next 3-4 years.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 8:37 p.m.

G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Raised By The Brushy Creek Regional Utility Authority ("BCRUA") Presentation To The Texas Water Development Board.
 - b. Legal Issues Concerning Terms And Conditions For Proposed City Water Analysis Agreement.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

- H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

Council reconvened from Executive Session into Open Meeting at 8:52 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.

Mayor Powell congratulated Fallbrook Technology for an outstanding partnership with Dana Holding Corporation and Tolteq for the Governor's visit to their company coordinated by Mayor Pro Tem Dale.

Councilmember Fuller commented on the Governor visiting Cedar Park twice.

Mayor Pro Tem Dale commented on his invocation and the Texas Constitution.


Councilmember Tracy commented on an event he attended for Texas Alliance for Life.

- H.2 Adjournment
Mayor Powell adjourned the meeting at 8:54 p.m.

PASSED AND APPROVED THIS 29TH DAY OF NOVEMBER, 2012.


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

